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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/062,316 | 02/04/2002 | Yaguang Liu | | 3984 |

7590 05/22/2003
Yaguang Liu
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EXAMINER

FLOOD, MICHELE C

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| ART UNIT | PAPER NUMBER |
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1654

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 10/062,316 | 02/04/2002 | Liu | |

| EXAMINER | |
|------------------|--------------|
| Michele C. Flood | |
| ART UNIT | PAPER NUMBER |
| 1654 | |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The amendment filed on February 13, 2003 is non-responsive (MPEP § 821.03). Applicant has cancelled Claims 14-16 and 18-25 and presented only claims drawn to two additional non-examined inventions. The claims are not readable on the examined invention because the originally presented and examined invention is drawn to a botanical drug for treatment and prevention of cancer and enhancement of immune function comprising polysaccharide of Dang Gui (PDG) and Lan Xiang Xi (LX), whereas the invention of newly submitted Claims 26-31, 34, 35 and 43 is drawn to a composition for treatment and prevention of cancer comprising Lan Xiang Xi (LX), which is an active ingredient extracted from plant *Curcuma aromatica Salish*, containing soybean-liposomes (LXL) and polysaccharide of Dang Gui containing soybean-liposomes (DGL), and whereas the invention of newly submitted Claims 32, 33 and 36-43 is drawn to a composition for treatment and prevention of cancer comprising Lan Xiang Xi (LX), which is an active ingredient extracted from plant *Curcuma aromatica Salish*, and LX containing soybean-liposomes. Thus, the search for the previously presented invention vs. the various distinct inventions instantly claimed is not co-extensive particularly with regard to the literature search. Further, a reference which would anticipate the invention of the elected invention would not necessarily anticipate or even make obvious distinct inventions instantly claimed.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY(30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is (703) 308-9432. The examiner can normally be reached on Monday through Friday from 7:15 am to 3:45 pm. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196 or the Supervisory Patent Examiner, Brenda Brumback whose telephone number is (703) 306-3220.

MCF
May 21, 2003

Michele C. Flood
MICHELE FLOOD
PATENT EXAMINER